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In re Application of
GAZIT et al.
Application No.: 10/574,789
PCT No.: PCT/IL04/00301
Int. Filing Date: 01 April 2004
Priority Date: 03 April 2003
Attorney Docket No.: 1553-US
For: PHASED ARRAY ANTENNA FOR
INDOOR APPLICATION

09/13/2006 SBASKEIR 00000006 501380 10574789
01 DECISION 65.00 DA

This decision is in response to applicants' "RESPONSE TO DECISION" filed in the United States Patent and Trademark Office (USPTO) on 10 July 2006.

BACKGROUND

On 01 April 2004, applicants filed international application PCT/IL04/00301 which designated the U.S. and claimed a priority date of 03 April 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 October 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 October 2005.

On 20 March 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, a declaration of inventors and a petition under 37 CFR 1.137(b) to revive the application.

On 23 May 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.137(b). Specifically, it was noted that it was not clear that the statement that the entire delay was unintentional had been made by the relevant party or parties.

On 10 July 2006, applicants filed the instant "RESPONSE TO DECISION" which includes a statement by applicants' representative that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As noted in the decision mailed 23 May 2006, items (1) and (2) have been met.

Item (3) has now been met as well.

The declaration of inventors filed 06 April 2006 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 50-1380.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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